THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.24787 of 1996

Dated: 05th July, 2006

Between:

Ch.V.Subba Rao

... Petitioner

and

1. Bharat Electronics Ltd., (A Govt. of India Undertaking), rep. by DGM (P), Machilipatnam and another

... Respondents

THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.24787 of 1996

Oral Order:

Heard.

2. The grievance of the petitioner is that the respondents were exercising disciplinary jurisdiction against him on the basis of Clause 15(1)(m) of the certified Standing Orders and the consequential issue of show-cause notice bearing No.422/01/07077/96, dated 18-11-1996, as arbitrary and illegal, and further direct the respondents to forbear from taking any disciplinary action against him pursuant to charge-sheet No.422/01/07077/96, dated 02-11-1996.

3. From the very prayer itself, it is obvious that there were some disciplinary proceedings against the petitioner since he was acting as LIC Agent contrary to the Standing Orders.

4. It appears, earlier, some notices were also given to the petitioner and the like people. Despite which, the petitioner has been continuing the alleged second job of 'LIC Agent'. Whether it is contrary to the Standing Orders or not, the consequent action that is to be taken is in the realm of the employer i.e., the respondents.

5. For the present purpose, only a show-cause notice has been issued, in which event the respondents can and shall, in fact, offer an explanation and upon which the same is to be considered by the respondents and take appropriate action. Mere issuance of show-cause notice does not amount to disciplinary action. Since no disciplinary action is yet initiated against the petitioner, mere

issuance of show-cause notice cannot be treated as initiation of disciplinary proceedings.

6. Therefore, the petitioner is directed to answer the show-cause notice, dated 18-11-1996, issued by the respondents and upon such objections being submitted by him, the respondents shall proceed in accordance with law.

7. With the above direction, this writ petition is dismissed. It is needless to state that the interim order, dated 22-11-1996, granted by this Court shall automatically stand vacated. No costs.

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D.S.R.VARMA, J

05th July, 2006.

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